

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 8252 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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GUJARAT LAW SOCIETY & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

NANAVATI & NANAVATI for Petitioner(s) : 1, None for Petitioner(s) :
None for Petitioner No(s).: for Petitioner(s) : 2,
MR DIPEN DESAI, AGP for Respondent(s) : 1 - 3.
MR YATIN SONI for Respondent(s) : 3,
NOTICE SERVED for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 10/01/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the
Constitution of India, the petitioners have

prayed for an appropriate writ, direction and/or order quashing and setting aside the directions given by the respondent No.2 in his letter dated 22.10.1996 by which, one Shri I.D.Patel was directed to be absorbed in the petitioner institution as he was declared as surplus while he was serving at Dhansura Arts & Commerce College.

2. While admitting the present special civil application, the learned Single Judge of this Court granted the interim order staying the impugned communication/order dated 22.10.1996.

3. Shri Dipak Shukla, learned advocate appearing for the petitioners has submitted that during the pendency of the present special civil application and after the interim order was granted by this Court, the respondent No.4 was absorbed in Modasa College and thereafter in Kadi College and at present, the respondent No.4 is serving at Kadi College. He has also further submitted that even thereafter the post of Lecturer in Accountancy has fallen vacant and the petitioners applied for the NOC and the Director of the Higher Education granted the NOC in favour of the petitioners by NOC dated 21.8.2006 and therefore, now the impugned order is not required to be implemented.

4. Shri Dipen Desai, learned AGP is not in a

position to dispute the aforesaid subsequent developments. In view of the subsequent developments and when the respondent No.4 himself has been absorbed in another College and when subsequently the Director of the Higher Education has granted the fresh NOC to fill up the posts in Lecturer in Accountancy, the impugned order/communication dated 22.10.1996 is not required to be acted upon. Accordingly, the impugned communication dated 22.10.1996 is hereby quashed and set aside. Rule is made absolute to the aforesaid extent, however, there shall be no order as to costs.

[M.R.Shah, J.]

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